

1 AN ACT in relation to criminal law.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Criminal Code of 1961 is amended by  
5 changing Section 24-3 as follows:

6 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

7 Sec. 24-3. Unlawful sale of Firearms.

8 (A) A person commits the offense of unlawful sale of  
9 firearms when he or she knowingly does any of the following:

10 (a) Sells or gives any firearm of a size which may  
11 be concealed upon the person to any person under 18 years  
12 of age.

13 (b) Sells or gives any firearm to a person under 21  
14 years of age who has been convicted of a misdemeanor  
15 other than a traffic offense or adjudged delinquent.

16 (c) Sells or gives any firearm to any narcotic  
17 addict.

18 (d) Sells or gives any firearm to any person who  
19 has been convicted of a felony under the laws of this or  
20 any other jurisdiction.

21 (e) Sells or gives any firearm to any person who  
22 has been a patient in a mental hospital within the past 5  
23 years.

24 (f) Sells or gives any firearms to any person who  
25 is mentally retarded.

26 (g) Delivers any firearm of a size which may be  
27 concealed upon the person, incidental to a sale, without  
28 withholding delivery of such firearm for at least 72  
29 hours after application for its purchase has been made,  
30 or delivers any rifle, shotgun or other long gun,  
31 incidental to a sale, without withholding delivery of

1 such rifle, shotgun or other long gun for at least 24  
2 hours after application for its purchase has been made.  
3 However, this paragraph (g) does not apply to: (1) the  
4 sale of a firearm to a law enforcement officer or a  
5 person who desires to purchase a firearm for use in  
6 promoting the public interest incident to his or her  
7 employment as a bank guard, armed truck guard, or other  
8 similar employment; (2) a mail order sale of a firearm to  
9 a nonresident of Illinois under which the firearm is  
10 mailed to a point outside the boundaries of Illinois; (3)  
11 the sale of a firearm to a nonresident of Illinois while  
12 at a firearm showing or display recognized by the  
13 Illinois Department of State Police; or (4) the sale of a  
14 firearm to a dealer licensed under the Federal Firearms  
15 Act of the United States.

16 (h) While holding any license as a dealer,  
17 importer, manufacturer or pawnbroker under the federal  
18 Gun Control Act of 1968, manufactures, sells or delivers  
19 to any unlicensed person a handgun having a barrel,  
20 slide, frame or receiver which is a die casting of zinc  
21 alloy or any other nonhomogeneous metal which will melt  
22 or deform at a temperature of less than 800 degrees  
23 Fahrenheit. For purposes of this paragraph and paragraph  
24 (j), (1) "firearm" is defined as in the Firearm Owners  
25 Identification Card Act; and (2) "handgun" is defined as  
26 a firearm designed to be held and fired by the use of a  
27 single hand, and includes a combination of parts from  
28 which such a firearm can be assembled.

29 (i) Sells or gives a firearm of any size to any  
30 person under 18 years of age who does not possess a valid  
31 Firearm Owner's Identification Card.

32 (j) Sells or gives a handgun to any person and is  
33 not a holder of a license as a firearms dealer under  
34 Section 923 of the federal Gun Control Act of 1968.

1           (B) Paragraph (h) of subsection (A) does not include  
2 firearms sold within 6 months after enactment of Public Act  
3 78-355 (approved August 21, 1973, effective October 1, 1973),  
4 nor is any firearm legally owned or possessed by any citizen  
5 or purchased by any citizen within 6 months after the  
6 enactment of Public Act 78-355 subject to confiscation or  
7 seizure under the provisions of that Public Act. Nothing in  
8 Public Act 78-355 shall be construed to prohibit the gift or  
9 trade of any firearm if that firearm was legally held or  
10 acquired within 6 months after the enactment of that Public  
11 Act.

12           (C) Sentence.

13           (1) Any person convicted of unlawful sale of  
14 firearms in violation of any of paragraphs (c) through  
15 (h) or of paragraph (j) of subsection (A) commits a Class  
16 4 felony.

17           (2) Any person convicted of unlawful sale of  
18 firearms in violation of paragraph (b) or (i) of  
19 subsection (A) commits a Class 3 felony.

20           (3) Any person convicted of unlawful sale of  
21 firearms in violation of paragraph (a) of subsection (A)  
22 commits a Class 2 felony.

23           (4) Any person convicted of unlawful sale of  
24 firearms in violation of paragraph (a), (b), or (i) of  
25 subsection (A) in any school, on the real property  
26 comprising a school, within 1,000 feet of the real  
27 property comprising a school, at a school related  
28 activity, or on or within 1,000 feet of any conveyance  
29 owned, leased, or contracted by a school or school  
30 district to transport students to or from school or a  
31 school related activity, regardless of the time of day or  
32 time of year at which the offense was committed, commits  
33 a Class 1 felony. Any person convicted of a second or  
34 subsequent violation of unlawful sale of firearms in

1 violation of paragraph (a), (b), or (i) of subsection (A)  
2 in any school, on the real property comprising a school,  
3 within 1,000 feet of the real property comprising a  
4 school, at a school related activity, or on or within  
5 1,000 feet of any conveyance owned, leased, or contracted  
6 by a school or school district to transport students to  
7 or from school or a school related activity, regardless  
8 of the time of day or time of year at which the offense  
9 was committed, commits a Class 1 felony for which the  
10 sentence shall be a term of imprisonment of no less than  
11 5 years and no more than 15 years.

12 (5) Any person convicted of unlawful sale of  
13 firearms in violation of paragraph (a) or (i) of  
14 subsection (A) in residential property owned, operated,  
15 or managed by a public housing agency or leased by a  
16 public housing agency as part of a scattered site or  
17 mixed-income development, in a public park, in a  
18 courthouse, on residential property owned, operated, or  
19 managed by a public housing agency or leased by a public  
20 housing agency as part of a scattered site or  
21 mixed-income development, on the real property comprising  
22 any public park, on the real property comprising any  
23 courthouse, or on any public way within 1,000 feet of the  
24 real property comprising any public park, courthouse, or  
25 residential property owned, operated, or managed by a  
26 public housing agency or leased by a public housing  
27 agency as part of a scattered site or mixed-income  
28 development commits a Class 2 felony.

29 (D) For purposes of this Section:

30 "School" means a public or private elementary or  
31 secondary school, community college, college, or university.

32 "School related activity" means any sporting, social,  
33 academic, or other activity for which students' attendance or  
34 participation is sponsored, organized, or funded in whole or

1 in part by a school or school district.

2 (Source: P.A. 91-12, eff. 1-1-00; 91-673, eff. 12-22-99;

3 91-696, eff. 4-13-00.)